IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9455 of 2004

Between:

M/s I.Surya Kantham Industries (Hatcheries) rep. by its proprietor
T.Surya Kantham, Mallapur (Mallampet) Qutubullapur Mandal, R.R.District.

..... PETITIONER

AND

1. The A.P. Central Power Distribution Company Ltd. rep. by Chief

Central Manager, Commercial
3rd floor Singarani Bhavan, RedHills, Hyderabad.

2 Superintending Engineer, Assessment APCPLCL A.P. State

Housing Corporation Building
Urdu Hall Lane, Himayatnagar, Hyderabad.

3. The Asst. Divisional Engineer, Electrical Operation,

APCPDDCL, Jeedimetla, Hyderabad.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, or order or direction, more particularly one in the nature of writ of Mandamus declaring the letter No.APE/CP/Jeedimatla,/O.A, No.220 dated 5.5.2004 of the 3rd respondent is bad, illegal, arbitrary unjust and violation of Article 14 of Constitution of India and contrary to the section 126 Clause 5 and 6 of the Act 36 of 2003, consequently liable to be quashed the provisional assessment notice dated 5.5.2004 of 3rd respondent in the interest of justice.

Counsel for the Petitioner:MR.G.CHANDRA SHAKHAR RAO

Counsel for the Respondents.: . MR. S.Ravinder Kumar

The Court made the following :

ORDER:

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Heard both sides. It is represented by the learned counsel for the petitioner that this matter is squarely covered by the judgment of this Court in W.P.No.19880 of 2003, dated 22nd January, 2004, where under this Court disposed of the Writ Petition and gave direction allowing the petitioner to file objections and the respondent was given an opportunity thereof in terms of Section 126 of the Electricity Act, 2003.

It is apposite to extract the relevant portion of the said order, thus;

> *"Giving liberty to the petitioner to file objections before the Assessing Officer within a period of one week from the date of receipt of a copy of this order the Writ Petition is disposed of. As and when such objections are filed, the Assessing Officer shall afford a reasonable opportunity of hearing to the petitioner and pass final assessment order in accordance with Section 126 of the Act. Pending the final assessment, the petitioner has paid a sum of Rs.5,00,000/- (Rupees five lakh only). The same shall be given due credit at the time of final assessment, and till the final assessment order is passed, the power supply shall not be disconnected".*

Following the same this Writ Petition is disposed of. No order as to costs.

B.Prakash Rao,J.

27th July, 2004.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chief General Manager,

A.P. Central Power Distribution Company Ltd. Commercial
3rd floor Singarani Bhavan, RedHills, Hyderabad.

2 Superintending Engineer, Assessment APCPLCL A.P. State

Housing Corporation Building
Urdu Hall Lane, Himayatnagar, Hyderabad.

3. The Asst. Divisional Engineer, Electrical Operation,

APCPDDCL, Jeedimetla, Hyderabad.

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THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

W.P.No. 9455 OF 2004

27th July, 2004